

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 441 be amended to read as follows:

- 1 Page 49, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 33. IC 6-2.5-1-28 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2004]: **Sec. 28. "Riverboat hotel" means a hotel that is:**
5 **(1) located not more than five (5) miles from a riverboat**
6 **licensed under IC 4-33;**
7 **(2) operated in conjunction with a riverboat licensed under**
8 **IC 4-33; and**
9 **(3) owned wholly or in part by a person having an ownership**
10 **interest in a riverboat licensed under IC 4-33.**
11 SECTION 34. IC 6-2.5-4-4.5, AS ADDED BY P.L.224-2003,
12 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 APRIL 1, 2004]: **Sec. 4.5. (a) Beginning April 1, 2004, this section**
14 **applies only to a person who operates a riverboat hotel.**
15 **(b)** A person is a retail merchant making a retail transaction when the
16 person furnishes rooms or lodgings to another person on a
17 complimentary basis if:
18 (1) the rooms or lodgings are furnished for periods of less than
19 thirty (30) days; and
20 (2) the rooms or lodgings are located in a **riverboat hotel** ~~motel,~~
21 ~~inn, tourist camp, tourist cabin, or other place~~ where rooms or
22 lodgings are regularly furnished for consideration.
23 **(b) (c)** The state gross retail tax applicable to a retail transaction

1 described in subsection ~~(a)~~ (b) is measured by the amount of gross
2 retail income attributed to the transaction under this subsection. The
3 amount of gross retail income attributed to a retail transaction described
4 in subsection ~~(a)~~ (b) is equal to the amount of gross retail income
5 received by the retail merchant from renting a comparable room or
6 lodging on the date the complimentary room or lodging is provided. The
7 state gross retail tax imposed on a retail transaction described in
8 subsection ~~(a)~~ (b) is six percent (6%) of the gross retail income
9 attributed to the transaction."

10 Renumber all SECTIONS consecutively.

(Reference is to ESB 441 as printed February 20, 2004.)

Representative Espich